



# CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Setti D. Warren  
Mayor

Public Hearing Date:	November 9, 2010
Land Use Action Date:	January 11, 2011
Board of Aldermen Action Date:	February 7, 2011
90-Day Expiration Date:	February 8, 2011

DATE: November 5, 2010

TO: Board of Aldermen

FROM: Candace Havens, Acting Director of Planning and Development  
Eve Tapper, Chief Planner Current Planning <sup>ET</sup>  
Alexandra Ananth, Senior Planner

SUBJECT: **Petition #266-10, BILL'S HOUSE OF PIZZA/B&E BEACON REALTY, LLC,** request for a SPECIAL PERMIT/SITE PLAN APPROVAL for a restaurant in excess of 50 seats (from 33 to 57 seats) and to waive 9 parking stalls at **751-753 BEACON STREET**, Ward 6, Newton Centre, on land known as SBL 61, 27, 20, located in district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-19(c)(3), (d)(9) and (13), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



## **EXECUTIVE SUMMARY**

The subject property consists of an existing single-story masonry building located at 749-759 Beacon Street. Bill's Pizzeria occupies a portion of this building, which includes 1,887 square feet on the ground floor (the petitioners also occupy approximately 1,909 square feet of basement space). The petitioners have operated at this location since 1975 and expanded to the existing 33 seats in 2006. Currently the petitioners are proposing to increase the number of seats within the existing space to 57 seats (an increase of 24 seats). The restaurant anticipates a related expansion in employees, with up to nine employees working on the largest shift. The existing restaurant has a parking credit of 13 spaces but requires 22 parking spaces for the proposed expansion. The restaurant has no off-street parking spaces. The petitioners must seek a special permit for a restaurant of greater than 50 seats in the Business 1 zone and to waive nine required parking spaces that they are not able to provide.

The expansion of a restaurant in this location is consistent with the 2007 *Newton Comprehensive Plan*, which supports strengthening viable businesses that contribute to the vitality of Newton's village centers, and the 2008 *Newton Centre Task Force Final Report*, which encourages a diverse mix of retail uses in infill locations to enliven Newton Centre. Although the site is located close to municipal parking lots and recent studies of Newton Centre indicate there is sufficient parking to accommodate the requested waiver, the Planning Department is concerned that the proposed increased intensity of the use will lead to increased traffic congestion in the area and may negatively impact the surrounding residential neighborhood, particularly along Chesley Road and Sumner Street. The Planning Department suggests the petitioners seek ways to reduce parking demand by patrons and employees and minimize any impacts on the surrounding neighborhood. The goals of the *Comprehensive Plan* to maintain a desirable quality of life would be further supported if the proposed business offered incentives for employees and customers to take advantage of alternatives forms of transportation and/or demonstrate how surrounding neighborhoods will benefit from the proposed petition.

### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

When considering this request, the Board should consider if the following findings apply:

- The proposed expanded restaurant use will positively affect Newton Centre by increasing the vitality of the commercial district.
- The granting of a waiver for nine parking stalls will not have adverse effects on parking, traffic, and circulation in the Newton Centre commercial district or adjacent residential streets.

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The property is located on the north side of Beacon Street, east of the Newton Centre Triangle, close to the intersection with Langley Road. The site is located in a Business 1 District. The neighborhood behind Bill's Pizzeria consists primarily of single-family houses though there are some two-family residences as well.

### B. Site

The 8,007 sq. ft. site is located on the north side of Beacon Street between Sumner Street and Chesley Road. The lot is improved with a multi-tenant single story brick building with approximately 6,737 sq. ft. of retail space. As stated earlier, the lot does not appear to have any parking. The Planning Department notes there is a mid-block passageway behind the building that connects from Beacon Street to Sumner Street. Although it does not appear that this passageway is part of the subject property the petitioners should describe the ownership and use of this alleyway at the public hearing and note whether this area allows for any employee parking.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The petitioners are proposing to increase the intensity of the existing use by adding an additional 24 seats for a total of 57 restaurant seats.

### B. Building and Site Design

The petitioners are not proposing any changes to the exterior of the restaurant at this time. The petitioners submitted a proposed floor plan which appears to sufficiently accommodate the proposed additional seats in the existing restaurant space.

### C. Parking and Circulation

As stated earlier, the petitioners have no off-street parking but have a credit of 13 parking stalls based on their current legal usage. The City's parking regulations require 22 parking stalls for the proposed 57 seats and nine anticipated employees on the largest shift. Using the City's A-B+C parking formula the restaurant is required to provide an additional nine spaces for the proposed increase in seating and staff. As the petitioners are not able to provide any parking, they must seek a special permit to waive the required nine parking stalls.

The petitioners submitted a report regarding the availability of parking for the proposed increase in seating at Bill's Pizzeria (*SEE ATTACHMENT "A"*). The petitioners also submitted an Area Plan, which identifies eight areas surveyed for potential parking use. Although the petitioners' parking report appears to show

sufficient parking capacity within a “comfortable two-minute walk” from the subject property, the Planning Department is concerned that the petitioners’ parking plan is heavily reliant on the use of Chesley Road and Sumner Street, two residential streets in the immediate neighborhood. In addition, the Department is mindful that the plan does not take into account additional development in Newton Centre and the associated parking waivers that have been approved by the Board of Aldermen and are either in the construction phase or have opened since the study was conducted. Although none of the recently approved projects are within a “comfortable two-minute walk” from either Bill’s Pizzeria or the parking areas included in the petitioner’s study, the increased parking and traffic demand of these projects should be factored into the analysis since the most of the Newton Centre commercial area businesses share the same finite number of parking spaces.

Although Bill’s is located close to municipal parking lots and recent studies of Newton Centre indicate there is sufficient parking to accommodate the requested waiver, the Planning Department is concerned that the proposed increase in seats will add to traffic and parking congestion in the area and may negatively impact the surrounding residential neighborhood, particularly along Chesley Road and Sumner Street. Though one hour parking is allowed on one side of both of these streets, the Planning Department suggests the petitioners seek ways to reduce parking demand by patrons and employees and minimize impacts on the surrounding residential streets.

If the petitioners are unable to provide any additional parking the Planning Department suggests the petitioners consider a monetary contribution to the City in order to help mitigate parking impacts on the neighborhood. One option suggested by the Department of Public Works is a contribution towards the purchase and installation of pedestrian countdown signal heads on the existing traffic signals at the Beacon, Langley and Sumner Street intersection. These signals show pedestrians how many seconds of crossing time remain. These signals have been shown to reduce pedestrian injuries and to aid in efficient clearing of crosswalks before signal changes by providing information on how much time is left to cross safely. The Planning Department notes that outfitting the pedestrian signals at the Beacon Street and Langley Road intersection with pedestrian countdown signals would cost approximately \$5,000.



The Planning Department also recommends the petitioners develop a plan to incentivize employees to utilize alternative forms of transportation to get to work such as public transportation, biking, or carpooling. Finally, the Department recommends

the petitioners purchase two employee parking spaces per year from the City for use by employees who must commute to work by car.

D. Landscape Screening, Lighting, and Signage

The petitioners are not making any changes to Lighting and Signage and no landscape plan was required.

IV. COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* advocates for an economic development program based on three complementary principles: preserving residential amenities, strengthening business in Newton's village centers, and promoting commercial development along Newton's commercial corridors. It supports fostering viable businesses to enhance the commercial real estate tax and employment bases and encouraging such businesses to embrace locations in vibrant, attractive, mixed-use village centers. With its location in Newton Centre and successful track record, the petitioner's restaurant is consistent with the aims of the *Comprehensive Plan*. The petitioner's restaurant is also consistent with the aims of the 2008 *Newton Centre Task Force Final Report*, which encourages among other things, retail uses other than banks and beauty salons, neighborhood-oriented businesses, and infill development within the bounds of the Newton Centre area.

The goals of the *Comprehensive Plan* to maintain a desirable quality of life would be further supported if the proposed business offered incentives for employees and customers to take advantage of alternatives forms of transportation and/or demonstrate how surrounding neighborhoods will benefit from the proposed petition.

V. TECHNICAL REVIEW

A. Technical Considerations (Section 30-15 & 30-19). The Zoning Review Memorandum dated September 3, 2010 (*SEE ATTACHMENT "B"*), provides an analysis of the proposal with regards to zoning. The petitioners must seek a special permit to allow for a restaurant over 50 seats in a Business 1 zone, and to waive nine required parking spaces the petitioners are not able to provide.

VI. ZONING RELIEFS SOUGHT

As stated above, based on the completed Zoning Review Memorandum the petitioners are seeking approval through or relief from:

- Section 30-11(d)(9), for a restaurant with over 50 seats in the Business 1 zone;
- Section 30-19(c)(3) & 30-19(d)(13), to waive nine required parking spaces;
- Section 30-24, for approval of special permits.

VII. PETITIONERS' RESPONSIBILITIES

Prior to the public hearing the Planning Department suggests the petitioners consider ways to reduce parking demand by patrons and employees so as to minimize any impacts on the surrounding neighborhood, and consider a contribution to help mitigate additional parking impacts on the neighborhood or to improve pedestrian safety in the area.

**ATTACHMENTS**

**ATTACHMENT A:** *PETITIONER'S PARKING STUDY DATED OCTOBER 5, 2010*

**ATTACHMENT B:** *ZONING REVIEW MEMORANDUM DATED SEPTEMBER 3, 2010*

**ATTACHMENT C:** *ZONING MAP*

**ATTACHMENT D:** *LAND USE MAP*

To: Land Use Committee of the City of Newton Board of Aldermen

From: Lou Mercuri, Planning Horizons

Re: 751 – 753 Beacon Street

Date: October 5, 2010

On behalf of the petitioner for this land use petition, I am submitting this report regarding the availability of parking for the proposed increase in seating at Bill's Pizzeria restaurant at 751 – 753 Beacon Street in Newton Center.

#### Restaurant Proposal

Bill's Pizzeria is seeking to increase the seating at its casual sit-down restaurant from 33 seats to 57 seats. The increased seating, with a related increase in employees, will require a waiver of 9 parking spaces by the Board of Aldermen through the special permit Process. The restaurant would operate every day with peak usage at lunch and dinner hours. It is expected that nine employees would be the maximum number employed at one time. Patrons would order from the counter and would seat themselves at available tables and booths.

#### Existing Conditions

The expanded restaurant would operate at its present location which now accommodates 33 seats and 6 employees on its largest shift.

Planning Horizons conducted extensive surveys of parking usage in the area at the lunch and dinner hours in September 2010. The results of these surveys are described later in this report.

The restaurant will need to rely on off-site public parking to meet its customer demand for parking. There is currently no public on-site parking available and both customers and employees who drive will need to find available parking sources within a short walk to meet the parking demands. This study area includes all available public parking sources that are located within a comfortable two-minute walk to the proposed restaurant site.

Attached to this report is a plan entitled "Area Plan to Accompany the Petition of Bill's Pizzeria located in Newton, Massachusetts" by VTP Associates dated September 1, 2010, which identifies the eight areas surveyed for potential use by customers. The eight areas and surveyed capacities are noted as follows:

1. Beacon Street westbound from Chesley Road to #765 Beacon Street, 11 one-hour on-street metered spaces in front of Bill's Pizzeria

2. Beacon Street westbound from Dalton Road to Chesley Road, 7 unmetered parking spaces east of the site
3. Beacon Street eastbound from Langley Road to the Gulf Station, 10 one-hour metered spaces opposite the site
4. Beacon Street eastbound from the Gulf Station to Staples (#714 Beacon Street), 7 one-hour metered spaces east of the site
5. Union Street between Langley Road and Beacon Street, 8 one-hour metered spaces in front of Tartufo Restaurant
6. Chesley Road, entire length from Beacon Street to Everett Street, 14 unmetered spaces east of the site
7. Sumner Street from the intersection of Langley Road and Beacon Street to #192 – 196 Sumner Street, 20 one-hour metered spaces west of the site
8. Langley Road Common near intersection with Beacon Street, 4 one-hour metered spaces slightly west of the site

This inventory of parking areas includes a total of 81 available short-term parking spaces within a two-minute walk of Bill's Pizzeria. Our survey was mainly limited to short-term parking areas as most of the patrons of the restaurant will typically need parking for one hour or less. In addition, there is additional available public parking in the large Triangle Lot that services the larger Newton Center business community.

#### Parking Methodology and Results

To get a complete picture of the parking demand and supply in the area, it is necessary to understand the proposed restaurant operation and peak periods. It is expected that Bill's Pizzeria's peak periods will continue to occur at the weekday lunch hour between 12 noon and 1:00 PM, and in the evening hours between 6:00 and 7:00 PM. It is difficult to determine the potential busiest day and time, but it was believed that Wednesday, Friday, and Saturday lunch and dinner counts would comprise a representative sampling.

Planning Horizons surveyed all eight available parking locations on ten different occasions. Four lunchtime counts were conducted on two different weekdays (Wednesday, Friday) and one additional lunch count on a Saturday for a total of five lunch counts. Five dinnertime counts were conducted; two each on Wednesday and Friday evenings and one on a Saturday evening. The lunch counts were taken at 12:30 PM with one count at 12:45 PM and the dinner counts were conducted between 6:30 PM and 7:00 PM. Weather conditions were ideal at all of the observed times and the September counts reflect a peak condition in terms of schools being back in session and summer vacations having concluded. One



of the Friday evening dinner counts (September 24, 6:45 PM) occurred on Boston College Parents Weekend which likely accounts for the higher observed parking usage on that evening.

All of the specific data related to each count is organized by parking area and is tabulated in Charts I – VIII that follow the text of this report.

### Results of Study and Analysis

The results of the surveys reveal consistent parking patterns in the area with Friday and Saturday parking availability being a little less than at mid week on Wednesdays. In terms of lunch and dinner counts, the available parking supply averages out to 22 spaces at lunch and 24 at the dinner hour, a nearly identical value. These values reflect an availability rate of close to 30%, which indicates that there is adequate parking in the area.

The following data reveals the summary for the lunch and dinner peak hours. The roman numerals correspond with the number for that particular parking area in the appendix of the report.

### **Lunch Hour Counts 12:30 PM (All Days)**

Parking Area	Capacity	Average Occupancy	Average Number of Vacant Spaces
Beacon St WB in front of Bill's (I)	11	10	1
Beacon St WB from Dalton to Chesley (II)	7	5	2
Beacon St EB from Langley to Gulf Station (III)	10	9	1
Beacon St EB from Gulf Station to Staples (IV)	7	5	2
Union Street between Langley and Beacon (V)	8	6	2
Chesley Road (all) (VI)	14	6	8
Sumner St from Langley to #192-196 Sumner (VII)	20	14	6

Langley Road Common (VIII)	4	4	0
TOTALS	81	59	22

**Dinner Hour Counts 6:30 – 7:00 PM (All Days)**

Parking Area	Capacity	Average Occupancy	Average Number of Vacant Spaces
Beacon St WB in front of Bill's (I)	11	10	1
Beacon St WB from Dalton to Chesley (II)	7	4	3
Beacon St EB from Langley to Gulf Station (III)	10	9	1
Beacon St EB from Gulf Station to Staples (IV)	7	4	3
Union Street between Langley and Beacon (V)	8	7	1
Chesley Road (all) (VI)	14	5	9
Sumner St from Langley to #192-196 Sumner (VII)	20	14	6
Langley Road Common (VIII)	4	4	0
TOTALS	81	57	24

The data indicates that there is, on average, a surplus of available parking in the area to allow the 9 space parking waiver. At present, there are 22 available spaces on average in the area at midday, and 24 available spaces in the evening.

Two parking areas provide the bulk of the available parking. The metered on-street spaces on Sumner Street provide an average of 6 spaces at both the lunch and the dinner hour and Chesley Road accommodates on average 8 spaces at the lunch hour and 9 spaces in the evening. The remaining on-street metered spaces are more widely used, as expected, but the one-hour limit on the meters results in considerable turnover of spaces at all times.

All ten counts resulted in a minimum of 12 available spaces at any one time and a maximum of 31 available spaces at any time. It has been noted that the 12 available spaces at the dinner hour on Friday September 24 is likely the result of the Boston College Parents Weekend occurring at that time, therefore creating a greater parking demand.

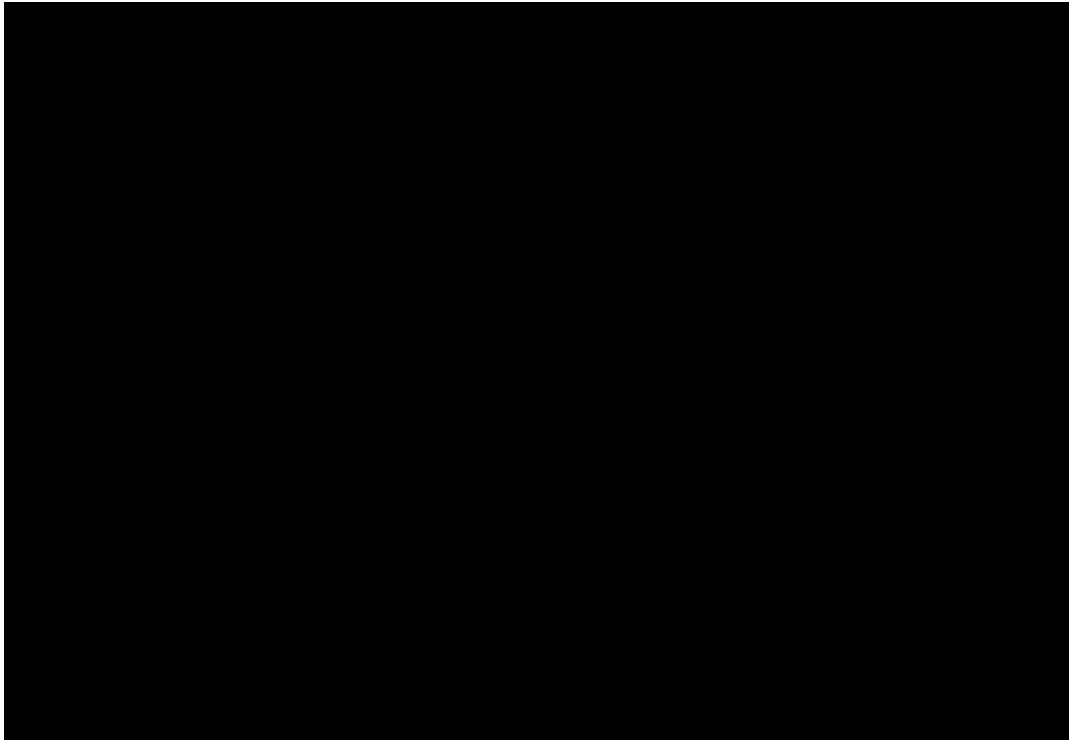
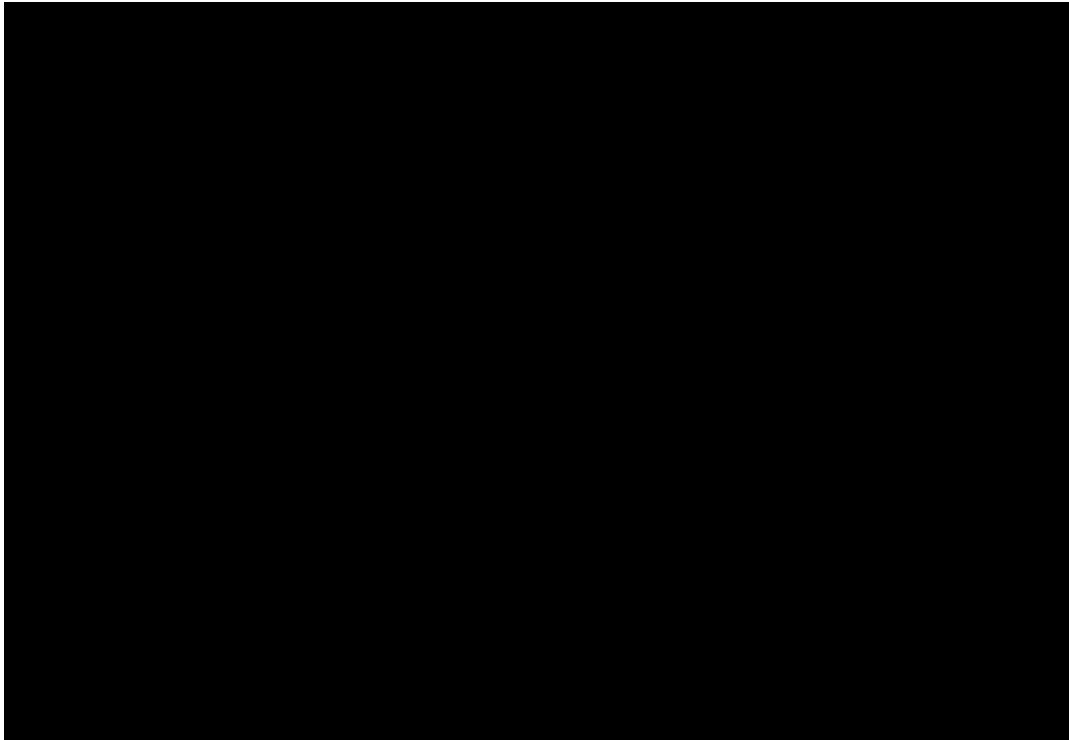
It is expected that a number of employees will access the site from the nearby MBTA Green Line public transportation station in Newton Center. There may also be a limited number of commercial permits available from the City, and private parking arrangements may be created if necessary.

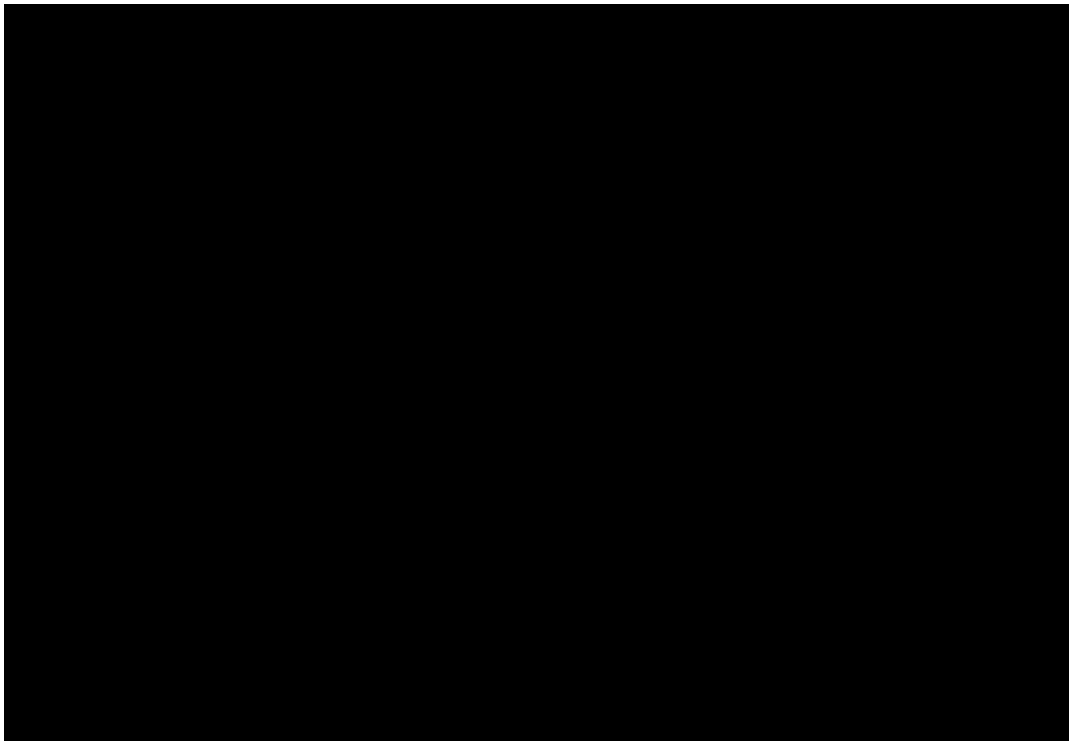
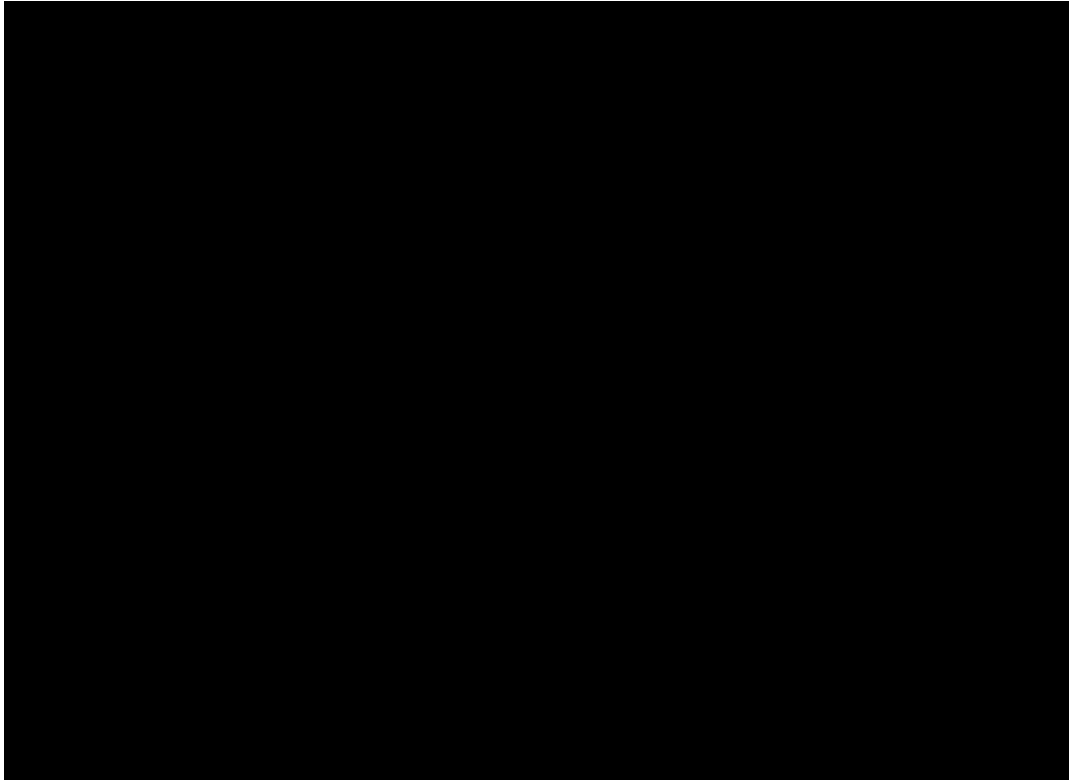
Considering the level of commercial activity in Newton center at lunch, the petitioner is relying on substantial walk-in traffic from the nearby offices and businesses at this peak period to further reduce parking demand.

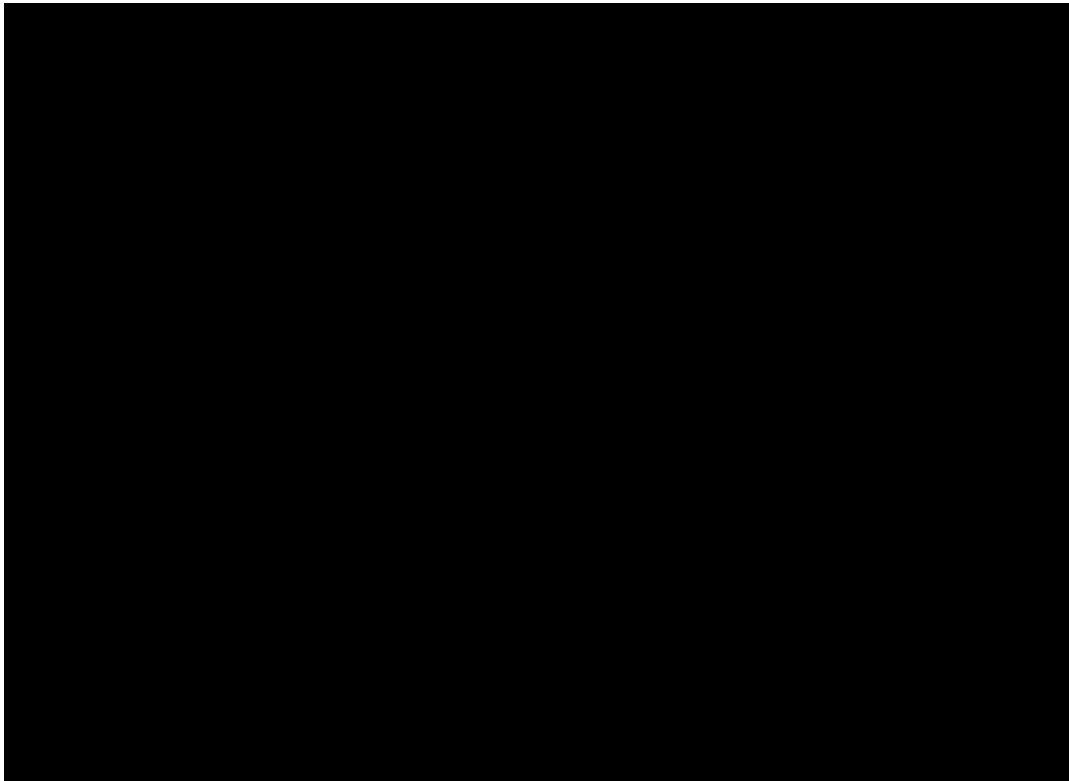
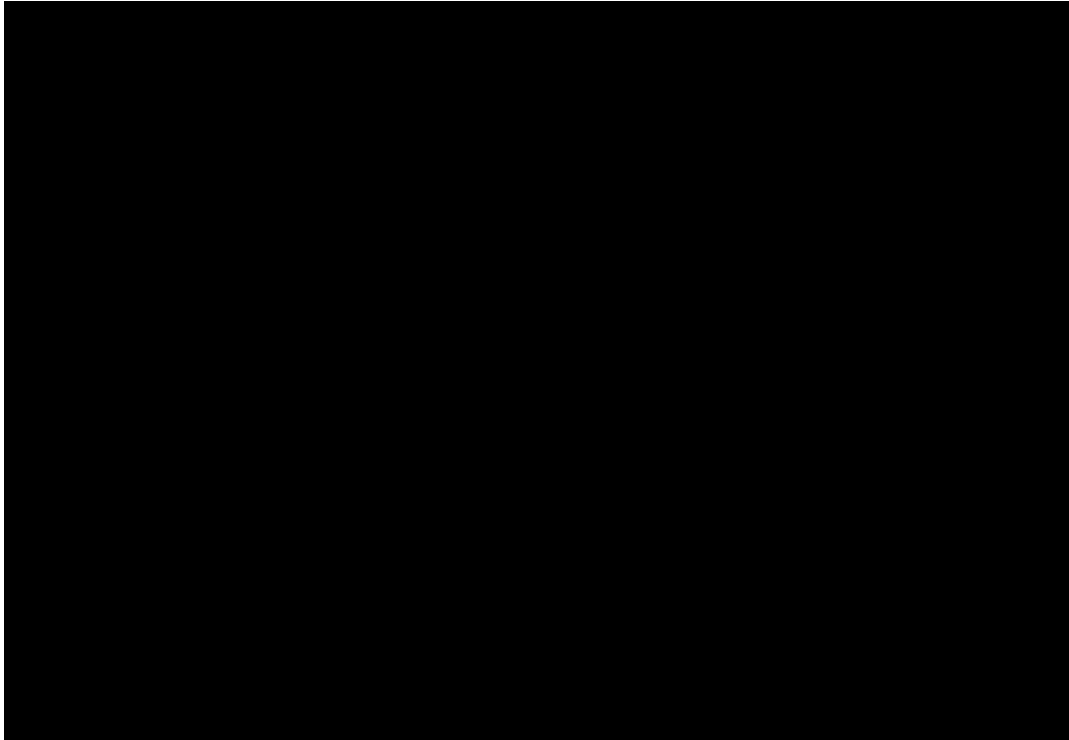
#### Summary and Conclusion

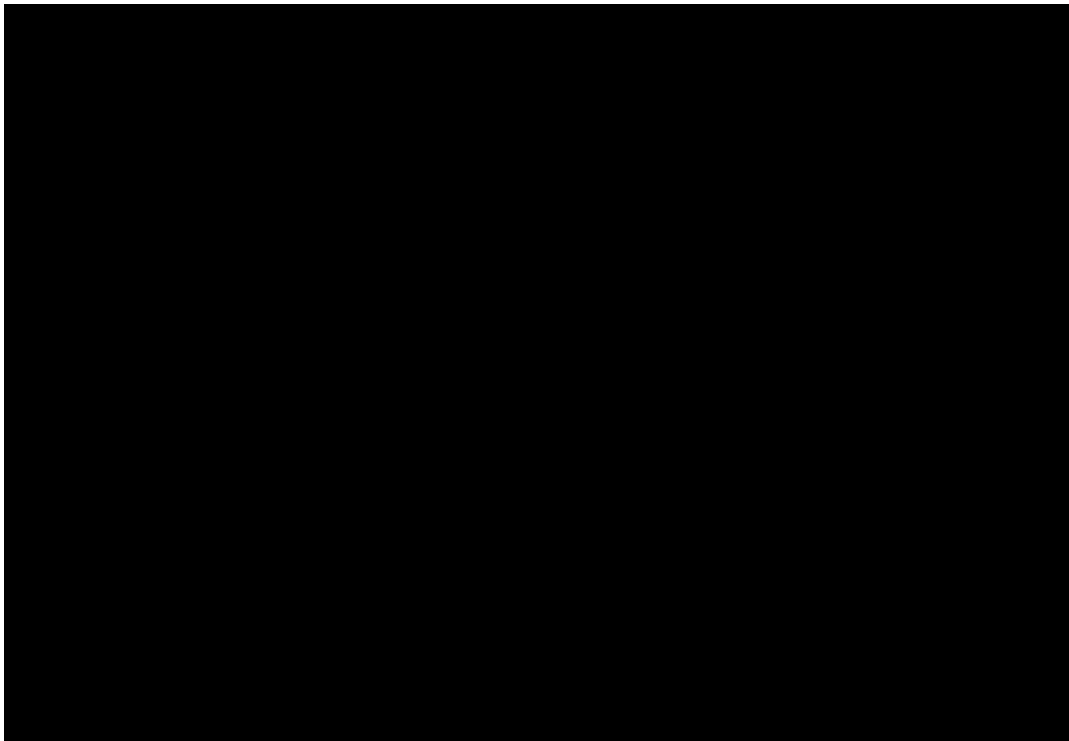
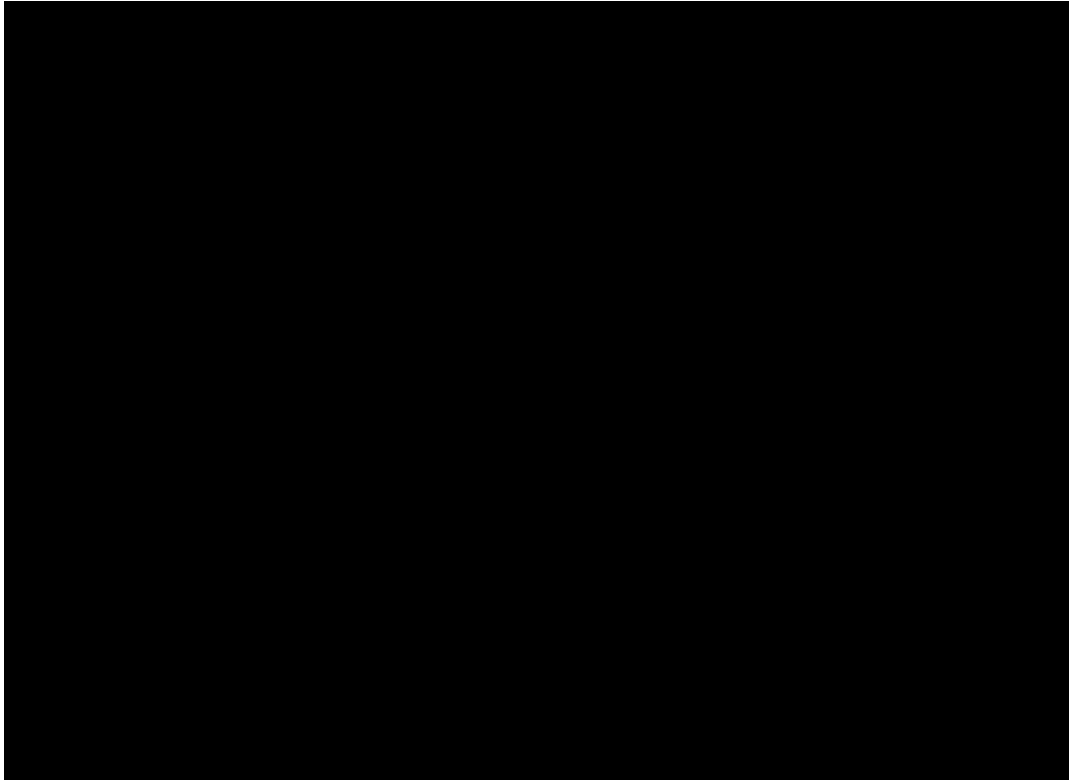
Based on the observations, Bill's Pizzeria and its expanded operation can readily meet the 9 space parking waiver requirement as there are, on average, 22 and 24 available short-term parking spaces respectively at the lunch and dinner hours. Much of the lunchtime traffic will be generated from walk-ins from neighboring businesses without introducing any significant parking demands. Additionally, it may reasonably be expected that some nearby residents walk to the restaurant at both the lunch and dinner hours.

**Appendix**









## ***Zoning Review Memorandum***

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Date: 9/3/10

To: John Lojek, Commissioner of Inspectional Services

Fr: Seth Zeren, Chief Zoning Code Official  
Eve Tapper, Chief Planner for Current Planning

Cc: Stephen Buchbinder, Attorney representing applicant  
Candace Havens, Interim Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to increase seating in existing restaurant**

<b>Applicant: Dean Chronopoulos</b>
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<b>Site:</b> 751-753 Beacon Street	<b>SBL:</b> 61027 00020
<b>Zoning:</b> BU1	<b>Lot Area:</b> 8,020 square feet
<b>Current use:</b> Restaurant w/ 33 seats	<b>Proposed use:</b> Restaurant w/ 57 seats

### **Background:**

Bill's Pizzeria has operated in its current location since 1975. In 2006 the restaurant expanded into 753 Beacon Street and increased its seating to 33 seats, serviced by six employees on the largest shift. The current application proposes to add 24 seats for a total of 57 on the premises with the number of employees on the largest shift increasing to nine. The following review is based on plans and materials submitted to date as noted below.

### **Plans and materials reviewed:**

- Site Plan, VTP Associates
- Area Plan, VTP Associates
- Architectural drawings by Donald Lang Architects, 8/4/10
  - Proposed ground floor plan
  - Proposed basement floor plan
  - Existing ground floor plan
  - Existing basement floor plan
- Letter from Stephen Buchbinder containing a list of employees, explanation of shift size, and parking calculation
- Letter from Arnold Zenker confirming that Bill's Pizzeria rents three parking stalls
- Revised ground floor plan, by DLA, 8/19/10, showing 57 seats



**Administrative determinations:**

1. The proposal to expand the seating to 57 seats requires a special permit, per §30-11(d)(9) which requires a Special Permit from the Board of Aldermen for any restaurant of greater than 50 seats in the BU-1 zone.
2. The applicant proposes to increase the size of his restaurant to 57 seats and increase the size of the largest shift to nine employees. Under §30-19(d)(13) a restaurant is required to provide one off-street parking space for every three seats and one space for every three employees on the largest shift. The proposed expansion would require a total of 22 parking spaces (see the table below). The restaurant currently has zero off street parking spaces and a credit of thirteen parking spaces based on their current legal usage. Using the A-B+C formula per §30-19(c)(2) the restaurant is required to provide an additional nine parking spaces (see calculations below). The applicant proposes no additional off street parking spaces; therefore the applicant must seek a special permit from the Board of Aldermen per §30-19(c)(3) to waive nine required parking spaces.

<b>Proposed</b>	<b>Parking Formula</b>	<b>Required Parking</b>
A restaurant with 57 seats and 9 employees on the largest shift	1 stall per 3 seats, 1 stall per 3 employees	22 (A)
<b>Existing</b>	<b>Parking Formula</b>	<b>Parking Credits</b>
A restaurant with 33 seats and 6 employees on the largest shift	1 stall per 3 seats, 1 stall per 3 employees	13 (B)
Off-street parking spaces		0 (C)
<b>Additional Spaces Required:</b>		<b>9</b>

Calculation per §30-19(c)(2): A (22) – B (13) + C(0) = Required number of parking stalls (9)

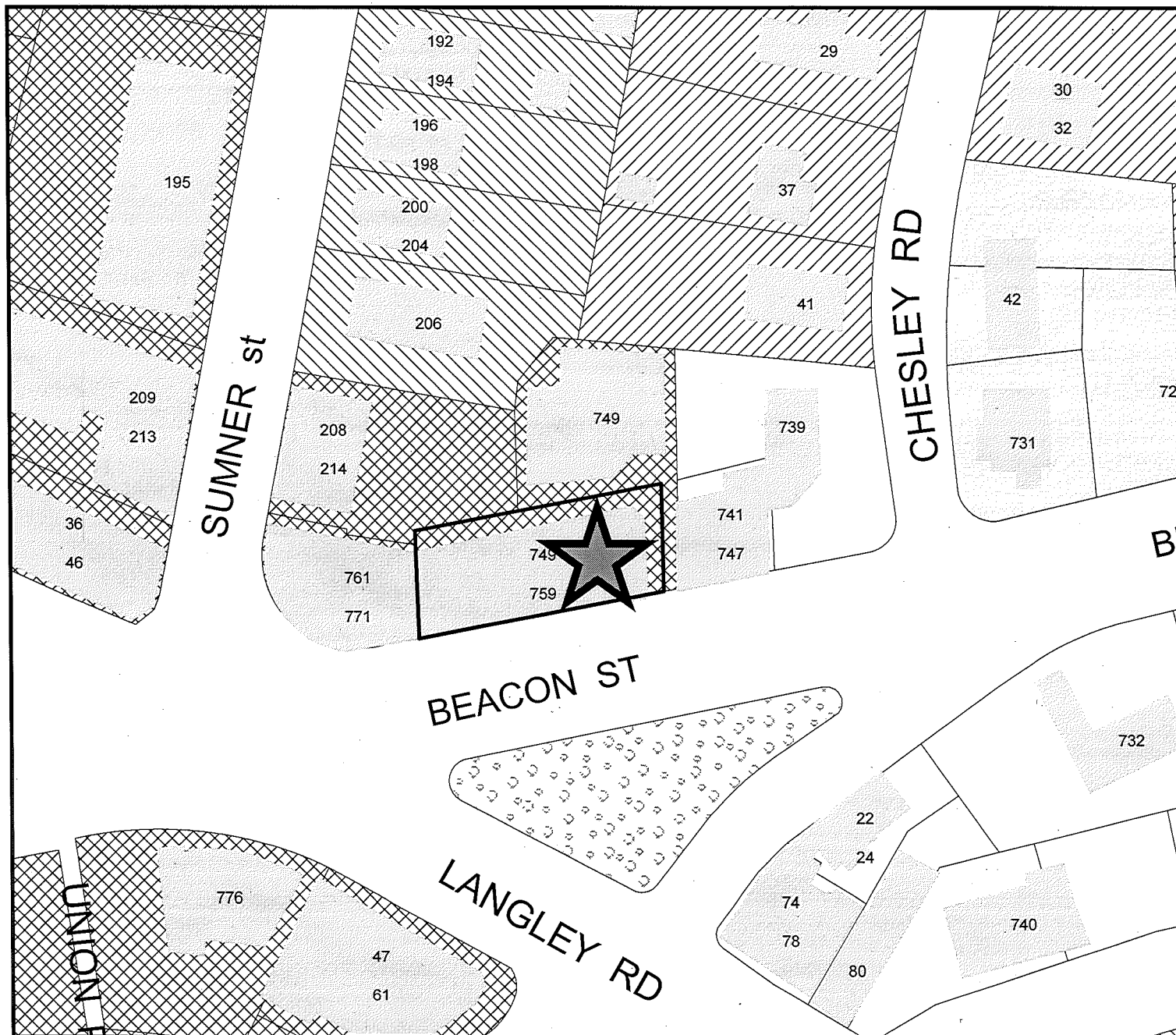
3. See “Zoning Relief Summary” below:

<b>Zoning Relief Summary</b>		
<b>Ordinance</b>	<b>Use</b>	<b>Action Required</b>
§30-11(d)(9)	Allow a restaurant over 50 seats in a BU-1 zone	S.P. per §30-24
	<b>Parking</b>	
§30-19(c)(3), §30-19(d)(13)	Waive nine required parking spaces	S.P. per §30-24

# Attachment "C"

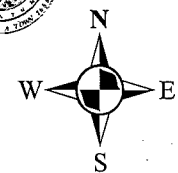
## Zoning Map

751-53 Beacon Street  
Bill's Pizzeria



### Legend

- project site
- Single Residence 2
- Single Residence 3
- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Business 2
- Public Use
- Building Outlines



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

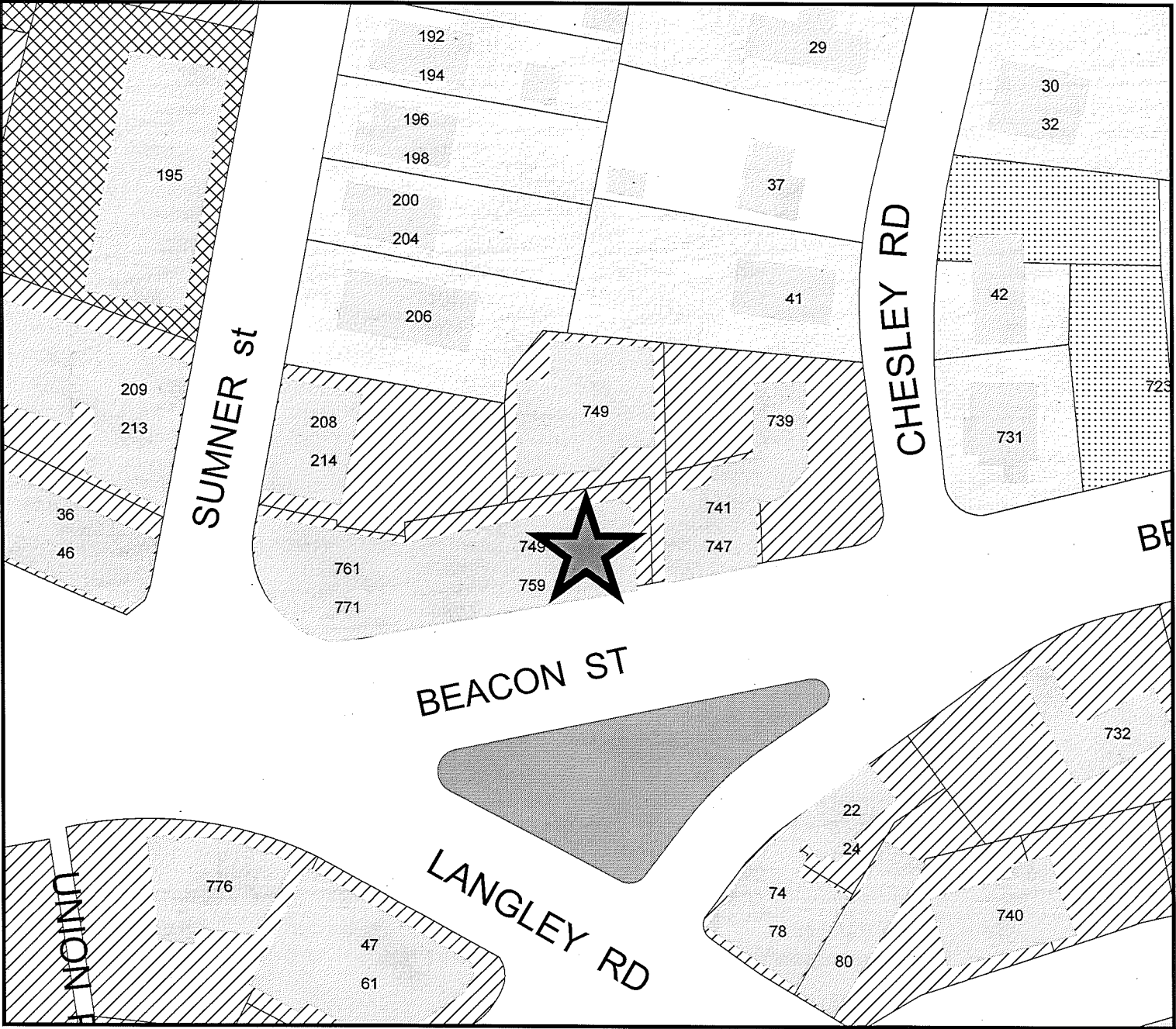
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MAP DATE: November 05, 2010

Attachment "D"

Land Use Map

751-53 Beacon Street  
Bill's Pizzeria

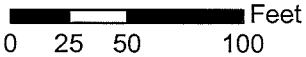


**Legend**

- project site
- Building Outlines
- Single Family Residential
- Multifamily Residential
- Commercial
- Vacant Land
- Open Space
- Nonprofit Organizations
- Tax Exempt



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